



Randal S. Mashburn  
U.S. Bankruptcy Judge

Dated: 10/30/2020



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**In re:** ) Case No. 3:19-bk-1971  
CAPSTONE PEDIATRICS, PLLC, ) Chapter 11  
Debtor. )  
\_\_\_\_\_  
CDS BUSINESS SERVICES, INC. )  
d/b/a NEWTEK BUSINESS CREDIT. )  
Plaintiff, )  
v. ) Adv. Proc. No. 3:20-ap-90140  
\_\_\_\_\_  
AMERICA CARES TRUST d/b/a )  
CARENATION )  
Defendant. )

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**AGREED ORDER  
MODIFYING PRELIMINARY INJUNCTION**

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Before the Court is the Second Motion for Limited Relief from Agreed Order Granting Expedited Motion for Preliminary Injunction, filed by Defendant America Cares Trust, Inc. d/b/a CareNation (“CareNation”) (Docket Entry No. 41). It appearing from the Supplemental Memorandum In Support filed by CareNation (Docket Entry No. 42) that neither CDS nor the Debtor oppose the relief sought, or modification of the Preliminary Injunction under the terms

set forth below, it is hereby **ORDERED** that the September 18, 2020 Preliminary Injunction in this matter (Docket Entry No. 12) shall be **MODIFIED** as follows:

1. Immediately upon entry of this Order, the Debtor, by and through the Chief Reconstruction Officer (**CRO**), is hereby authorized and directed to issue from the remaining balance in Account XXXXXXX239 a wire transfer in the amount of all remaining proceeds payable to America Cares Trust, Inc. d/b/a CareNation (the “**Residual Balance**”). As reflected in CareNation’s Supplemental Memorandum, neither CDS nor Debtor claim any interest in the Residual Balance.

2. Except as otherwise ordered above, the Preliminary Injunction remains in full force and effect, pending further Orders of this Court. All claims, defenses and other matters regarding the subject matter of this adversary proceeding are hereby **RESERVED**.

It is so **ORDERED**.

*[This order was signed and entered electronically as indicated at the top of the first page.]*

**SUBMITTED FOR ENTRY:**

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed electronically on October 30, 2020. Notice of this filing was sent by operation of the Court's electronic filing system to all those parties specifically requesting electronic service and as indicated on the electronic filing receipt. Parties may also access this filing through the Court's electronic filing system.

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